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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,047	05/19/2006	Giuliano Muratore	09952.0448	7573

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EXAMINER
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MAGLOIRE, VLADIMIR

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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09/29/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/580,047	<b>Applicant(s)</b> MURATORE ET AL.	
	<b>Examiner</b> VLADIMIR MAGLOIRE	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 23 and 25-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23, 25-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on 9/4/2009. Since this application is eligible for continued examination under CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office Action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/4/2009 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 23, 25-44 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 23, 25-27, 34-37, 39, 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter (US 5,579,375: hereinafter "Ginter") in view of Cardina et al (US 6,411,802 B1: hereinafter "Cardina", previously listed in PTO-892 in action mailed on 12/26/2008).

Consider claim 23, Ginter discloses a method of forwarding a telephone call from a caller intended to be directed to a first, fixed, telephony number toward a second,

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mobile, telephony number in order to render an intended responder associated with the second telephony number reachable at a mobile phone instead of a fixed telephone **(see Ginter, Abstract)**, comprising: having the caller place a call to a mobile telephony number associated with the first telephony number **(see Ginter, fig. 6 “Call Orig”, fig. 5 “call arrives for bob from sam”)**; receiving the call at a switching apparatus of a mobile telephony network **(see Ginter, fig. 5 call arrives at MSC 11)**; upon receiving, at the switching apparatus of the mobile telephony network, the call from the caller to the mobile telephony number, first routing the call to the first telephony number **(see Ginter, Col 8 lines 45 to 67, Col 9 lines 1 to 27)**; conditioned by the fact that call forwarding from the first telephony number to the second telephony number is enabled, routing the call from the switching apparatus to the second telephony number **(see Ginter, fig. 6 steps 89 to 95)**; if the responder accepts, terminating the call from the caller at the second telephony number instead of at the first telephony number, so as to establish a direct telephone call between the caller and the responder **(see Ginter, Col 9 lines 1 to 27, Col 9 lines 37 to 67, fig. 15 step 147-148)**.

Ginter does not disclose a virtual number.

In the same field of endeavor, Cardina discloses a virtual number **(see Cardina, Col 27 lines 40 to 52)**.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ginter by first dialing a virtual number, as discussed in Cardina, and produce the same results as dialing the standard number disclosed in Ginter, thereby producing predictable results of connecting the dialed number via call forwarding.

Consider claim 39, Ginter discloses in a telephone communications system comprising a fixed telephony network and a mobile telephony network, a system for forwarding a telephone call from a caller intended to be directed to a first, fixed, telephony number toward a second, mobile, telephony number in order to render an intended responder associated with the second telephony number reachable at a mobile phone instead of a fixed telephone (**see Ginter, Abstract**), comprising: a database associating a mobile telephony number with the first telephony number (**see Ginter, fig. 5 “Subscriber Database”, Col 7 lines 49 to 67, Col 8 lines 1 to 13**); and a call transport layer of the mobile telephony network adapted to: receive a call placed to the mobile telephone number at the call transport layer; router the call to the first telephony number receiving the call at the call transport layer (**see Ginter, fig. 6 steps 86 to 95, Col 8 lines 45 to 67, Col 9 lines 1 to 27**); route the call to the second telephony number in case a call forwarding from the first telephony number to the second telephony number is enabled (**see Ginter, fig. 6 steps 89 to 95**); if the responder accepts, terminating the call from the caller at the second telephony number instead of at the first telephony number, so as to establish a direct telephone call between the caller and the responder (**see Ginter, Col 9 lines 1 to 27, Col 9 lines 37 to 67, fig. 15 step 147-148**).

Ginter does not disclose a virtual number.

In the same field of endeavor, Cardina discloses a virtual number (**see Cardina, Col 27 lines 40 to 52**).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ginter by first dialing a virtual number, as discussed in Cardina, and produce the same results as dialing the standard number disclosed in Ginter, thereby producing predictable results of connecting the dialed number via call forwarding.

Regarding claim 35 the limitations have been analyzed in claim 39.

Consider claim 25, Ginter discloses the method according to claim 24, further comprising: having the call forwarding enabled at an apparatus associated with the first telephony number **(see Ginter, fig. 6, if call are forwarded then call forwarding is enabled)**.

Consider claim 26, the combination of Ginter and Cardina discloses the method according to claim 25, further comprising: conditioned to the fact that the call forwarding is not enabled and that the incoming call is answered at the first telephony number, terminating the call thereat and establishing a direct telephone call between the caller and the first telephony number **(see Ginter, Col 8 lines 28 to 67, Col 9 lines 1 to 27, see Cardina, fig. 16)**.

Consider claim 27, Ginter discloses the method according to claim 26, further comprising: in case the call is not answered at the first telephony number, determining the second telephony number and enabling said call forwarding **(see Ginter, Col 8 lines 28 to 67, Col 9 lines 1 to 27, fig. 6)**.

Consider claim 34, the combination of Ginter and Cardina discloses the method according to claim 23, wherein said virtual mobile telephony number associated with the

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first telephony number is a combination of the first telephony number and an identifying code or a prefix code **(see Cardina, Col 27 lines 45 to 52)**.

Consider claim 36, the combination Ginter and Cardina discloses the method according to claim 35, further comprising: if the call from the caller is answered at the first telephony number, terminating the call thereat so as to establish a direct telephone call between the caller and the first telephony number **(see Ginter, Col 9 lines 1 to 27, Col 9 lines 37 to 52)**.

Consider claim 37, the combination Ginter and Cardina discloses the method according to claim 36, further comprising: receiving information apt to determine said second telephony number from an apparatus associated with said first telephony number, and causing the call from the caller to be routed thereto **(see Ginter, fig. 6 steps 72 to 82, Col 10 lines 5 to 20)**.

Consider claim 44, the combination Ginter and Cardina discloses the system according to claim 39, wherein said virtual mobile telephony number associated with the first mobile telephony number is a combination of the first telephony number and an identifying code, particularly a prefix code **(see Cardina, Col 27 lines 45 to 52)**.

4. Claims 28-33, 38, 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter and Cardina in view of Praestgaard (US 2004/0018833 A1: hereinafter "Praestgaard").

Consider claim 29, the combination Ginter and Cardina do not specifically disclose the method according to claim 23, wherein said first telephony number corresponds to a PBX network having a plurality of extensions.

In the same field of endeavor, Praestgaard discloses wherein said first telephony number corresponds to a PBX network having a plurality of extensions (**see Praestgaard, paragraph [0376-0377]**).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ginter and Cardina by dialing a first telephony number which corresponds to a PBX network having a plurality of extensions, as taught by Praestgaard, thereby integrating with a PBX and providing greater reach (see Praestgaard, paragraph [0011]).

Consider claim 28, the combination of Ginter and Praestgaard do not specifically disclose the method according to claim 27, further comprising: after the enabling of said call forwarding, dropping a call section from the switching apparatus to the first telephony number, while keeping the call from the caller on hold at said switching apparatus, however, Praestgaard discloses after the enabling of said call forwarding, dropping a call section from the switching apparatus to the first telephony number, while keeping the call from the caller on hold at said switching apparatus (**see Praestgaard, paragraph [0376], lines 1-18**).

Consider claim 30, the combination Ginter, Cardina and Praestgaard discloses the method according to claim 29, wherein said first telephony number includes a number of a PBX network switchboard (**see Praestgaard, paragraph [0376-0377]**).

Consider claim 31, the combination Ginter, Cardina and Praestgaard discloses the method according to claim 30, comprising receiving the call at the PBX switchboard, forwarding the call to an intended PBX network extension and, in case the call is not



answered, providing the second telephony number to a switching apparatus control controlling the switching apparatus **(see Praestgaard, paragraph [0376-0377])**.

Consider claim 32, the combination Ginter, Cardina and Praestgaard discloses the method according to claim 29, wherein said first telephony number comprises at least one PBX Direct Inward Dial number corresponding to one of the extensions of the PBX network **(see Praestgaard, paragraph [0376-0377])**.

Consider claim 33, the combination Ginter, Cardina and Praestgaard discloses the method according to claim 29, wherein said virtual mobile telephony number associated with the first telephony number comprises at least one virtual mobile telephony number associated with said one extension of the PBX network **(see Praestgaard, paragraph [0376-0377])**.

Regarding claim 38, the limitations have been analyzed in claim 29.

Consider claim 40, the combination Ginter, Cardina and Praestgaard the system according to claim 39, wherein said first telephony number is a number of a PBX network having a plurality of extensions **(see Praestgaard, paragraph [0376-0377])**.

Consider claim 41, the combination Ginter, Cardina and Praestgaard discloses the system according to claim 40, wherein said first telephony number includes a number of a PBX network switchboard **(see Praestgaard, paragraph [0376-0377])**.

Consider claim 42, the combination Ginter, Cardina and Praestgaard discloses the system according to claim 40, wherein said first telephony number comprises at least one PBX Direct Inward Dial number corresponding to one of the extensions of the PBX network **(see Praestgaard, paragraph [0376-0377])**.

Consider claim 43, the combination Ginter, Cardina and Praestgaard discloses the system according to claim 40, wherein said virtual mobile telephony number associated with the first mobile telephony number comprises at least one virtual mobile telephony number associated with said one extension of the PBX network (**see Praestgaard, paragraph [0376-0377]**).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VLADIMIR MAGLOIRE whose telephone number is (571)270-5144. The examiner can normally be reached on Monday to Thursday, 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Supervisory Patent Examiner, Art Unit 2617

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Examiner, Art Unit 2617 9/25/09